

Notice of Allowability

Application No.

09/930,741

Examiner

Rodney G. McDonald

Applicant(s)

REJDA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment submitted 8-11-06.
2. ☒ The allowed claim(s) is/are 8-10,12-20,30-32,35,37-40,45 and 46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

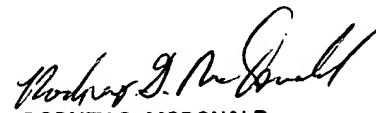
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


RODNEY G. MCDONALD
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 8-10 and 12-19 are indicated as being allowable over the prior art of record because the prior art of record does not teach an apparatus having a magneto resistive element and a mask including a first shutter, a second shutter and an actuator for moving the first and second shutter; a controller, wherein the controller is structured to monitor at least an electrical resistance of the magneto resistance element during ion milling of the magneto resistive element, further wherein the controller is structure to independently actuator each of the and second shutter based on the electrical resistance of the magneto resistive element.

Claim 20 is indicated as being allowable over the prior art of record because the prior art of record does not teach an apparatus having a mask having a plurality of shutters positioned adjacent the plurality of magneto resistive elements; and controller means for monitoring an electrical property level associated with the plurality of stripes and independently actuating each of the plurality of shutters based on each of the plurality of stripes electrical property level during the fabrication of each of the plurality of stripes.

Claims 30-32, 35, 37 and 38 are allowable over the prior art of record because the prior art of record does not teach an apparatus having elongated element including a plurality of magneto resistive elements held by the carrier; a mask including at least one shutter and an actuator for moving the at least one shutter, wherein the mask is used to selectively cover a first portion of the elongated element as an ion mill wafer

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process continues to act on a second portion of the elongated element, the ion mill wafer process substantially halting with respect to the first portion of the elongated element; and a controller, wherein the controller is structure to monitor an electrical property level of the elongated element, further wherein the controller is structure to independently actuate the at least one shutter based on the monitored electrical property level.

Claims 39, 40, 45 and 46 are allowable over the prior art of record because the prior art of record does not teach an apparatus having an elongated element held by the carrier, wherein the elongated element includes a plurality of magneto resistive elements; a mask including at least one shutter and an actuator for moving the at least one shutter, wherein the mask is used to selectively cover a first portion of the elongated element as an ion mill wafer process continues to act on a second portion of the elongated element, the ion mill wafer process substantially halting with respect to the first portion of the elongated element; and a controller for the actuator, the controller actuating the at least one shutter between an open position where the at least one shutter is not covering a portion of the elongated element, and a covering position where the at least one shutter is covering the portion of the elongated element, in response to a monitored electrical resistance associated with at least one of the plurality of magneto resistive elements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rodney G. McDonald
Primary Examiner
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RM
August 18, 2006